

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital the July 31, 2006
Criminal Bail Application No. 502 of 2006
Order on the bail application of accused

CRIMINAL SIDE

Pintu @ Daljeet Singh
S/o Gurucharan Singh
R/o Sada Sadia
P.S. Nanakmatta
District Udham Singh Nagar

.....Applicant

Versus

State of Uttaranchal

.....Opposite Party

Arising out of Case Crime No. 482 of 2006
Under Section 376 I.P.C.
P.S. Nanamkatta
District Udham Singh Nagar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 482 of 2006 Under Section 376 I.P.C., P.S. Nanakmatta, District Udham Singh Nagar.

Heard Sri A.S. Gill, learned counsel for the applicant, learned A.G.A. and perused the record.

The First Information Report shows that it was the applicant who subjected the prosecutrix – Km. Khusbu to rape. The age of the girl as per the medical examination report appears to be between 13 to 16 years.

Learned counsel for the applicant has argued that there was no mark of injury seen either on the private part or any other part of the body of the prosecutrix. He has also been submitted that on the basis of the First Information Report, the case, maximum to the extent of 354 I.P.C. is made out against the applicant but by no stretch of imagination, the case does not fall within the ambit of 376 I.P.C.

I fail to appreciate the argument advanced by the learned counsel for the applicant. The First Information Report clearly shows that the prosecutrix has stated therein that she was subjected to rape by the applicant.

Keeping in view the specific averments made in the First Information Report and in the statement of the prosecutrix recorded under Section 164 Cr.P.C. as well as her age which is between 13 to 16 years, I do not find it is fit case for bail at this stage.

Accordingly, the bail application is rejected.

(B.C. Kandpal, J.)

31.07.2006
ASWAL